

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**KIMBERLY C. CUTONE and
ANTHONY CUTONE,**

Plaintiffs,

V.

ELI LILLY AND COMPANY,

Defendant.

CIVIL ACTION No. 04-CV-12725 (JLT)

PROPOSED ORDER

UPON CONSIDERATION of Defendant's Motion for Summary Judgment and Plaintiffs' Opposition thereto, and for good cause shown, it is this _____ day of _____, 2006,

ORDERED, that Defendant's Motion for Summary Judgment be, and hereby is, **DENIED**.

The Honorable Joseph L. Tauro
United States District Court Judge

CERTIFICATE OF SERVICE

I, Erica Tennyson, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on May 25, 2006.

s/ Erica Tennyson
Erica Tennyson (BBO# 660707)